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July 25, 2001

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**VIA COURIER**

Magalie Roman Salas, Esq.  
Secretary  
Federal Communications Commission  
The Portals Complex  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Attn: Allocations Branch**

**Re: Station WAAF(FM), Worcester, Massachusetts  
Petition For Rule Making To Change  
Community Of License From Worcester  
To Westborough, Massachusetts**

Dear Ms. Salas:

On behalf of Entercom Boston License, LLC, licensee of Station WAAF(FM), Worcester, Massachusetts, we hereby submit an original and four copies of a *Petition for Rule Making* seeking to amend the FM Table of Allotments to reallocate Channel 297B from Worcester to Westborough, Massachusetts and to modify the license of Station WAAF to specify Westborough as its community of license. No fee is required for this filing.

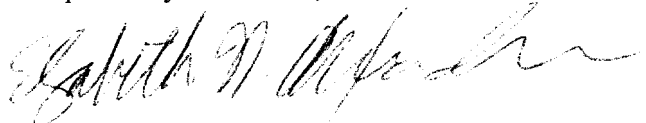
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Magalie Roman Salas, Esq.  
July 25, 2001  
Page 2

If any questions should arise concerning this filing, please contact the undersigned  
counsel.

Respectfully submitted,



Elizabeth N. Alexander

Enclosure

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

**ORIGINAL**

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	
Table of Allotments,	)	MM Docket No. _____
FM Broadcast Stations	)	RM- _____
(Worcester and Westborough, Massachusetts)	)	

To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

Entercom Boston License, LLC ("EBL"), licensee of Station WAAF(FM), Channel 297B, Worcester, Massachusetts, by its attorneys, and pursuant to Section 1.420(i) of the Commission's rules, hereby submits this Petition for Rule Making seeking to change the community of license of Station WAAF(FM) from Worcester to Westborough, Massachusetts. The proposed change would result in a preferential arrangement of allotments and would provide the city of Westborough with its first local aural service.

EBL accordingly requests that the Commission issue a Notice of Proposed Rule Making proposing to modify the FM Table of Allotments to reallocate Channel 297B to Westborough and to modify the license of Station WAAF to specify Westborough as its community of license. EBL will file an application to implement the change if Channel 297B is allocated to Westborough.

**DISCUSSION**

Under Section 1.420(i) of the Commission's rules and the Commission's policies relating to proposed changes to a station's community of license, the Commission may modify a station's license to specify a new community of license if: (a) the proposed community of license qualifies

under FCC policies; (b) the new allotment would be mutually exclusive with the old allotment; (c) considering the totality of factors, the new allotment would result in a preferential arrangement of allotments; and (d) the relocation would not deprive a community of its sole local transmission outlet. *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990), *LaGrange and Rollingwood, Texas*, 10 FCC Rcd 3337 (1995). The community of license change proposed by EBL satisfies each of these criteria.

**I. Westborough Is a Community Deserving of an FM Channel Allotment.**

Under Section 307(b) of the Communications Act of 1934, as amended (the "Act"), the Commission may award licenses to those applicants who propose to serve a particular community. The Commission defines a "community" as a "geographically identifiable population grouping." *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 101 (1982) ("*FM Order*"). The Commission has further explained "[t]he fact that a location is incorporated or is otherwise listed in the Census is generally sufficient to confer community status upon it." *Kenansville, Florida*, 2 FCC Rcd 7194, 7195 (1987) (subsequent history omitted), *citing Vimville, Mississippi*, 55 RR 2d 256, 258 (1983). The town of Westborough was incorporated in 1717 and is listed in the 2000 Census as having a population of 17,997 persons. Accordingly, under the principles explained in *Kenansville*, the Commission should easily conclude that Westborough is a community for purposes of satisfying Section 307(b) of the Act.

In addition to its large population, Westborough possesses numerous other indicia of "community status" under the Commission's precedent. Westborough is governed by an elected Board of Selectmen. The town maintains its own police and fire departments and provides

residents with water and sewer services. Westborough has its own zip code (01581). The town maintains parks and recreation centers, and has its own public library. Westborough is home to over 100 local businesses and ten religious institutions and has its own independent school district with three elementary schools, a middle school and a high school. Westborough has two local newspapers and an official website ([www.westboroughma.com](http://www.westboroughma.com)). These myriad indicia of Westborough's independence and local cohesion establish that Westborough is a community deserving a first local transmission service. *See Daingerfield and Ore City, Texas*, 13 FCC Rcd 20950 (Allocations Branch 1998) (existence of police and fire departments, city utilities, independent school district and city government qualifies city with population of 898 residents as a Section 307(b) community).

## **II. The New Allotment is Mutually Exclusive with the Existing Allotment.**

Station WAAF is licensed to operate on Channel 297B at Worcester. EBL seeks reallocation of the channel from Worcester to Westborough, and a modification of the license for Station WAAF accordingly, but no change in transmitter site is proposed.<sup>1</sup> Because the minimum required spacing between co-channel Class B stations is 241 kilometers (150 miles), 47 C.F.R. §73.207(b)(1), and Westborough is located only approximately 19 kilometers from Worcester, the new allotment would be mutually exclusive with the Station's existing allotment and the Commission may, therefore, modify the license of Station WAAF to specify the change in community of license requested by EBL. 47 C.F.R. § 1.420(i).

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<sup>1</sup> EBL holds a construction permit (FCC File No. BPH-19990528II) for operation of WAAF at a different transmitter site. EBL notes that full city coverage of Westborough will be achieved from both the Station's licensed site and the site specified in the construction permit.

### **III. The Proposed Change Will Comply with All Pertinent Coverage and Spacing Considerations.**

EBL proposes reference coordinates for the Westborough allotment at longitude 42-18-11 N, latitude 71-53-52 W. Engineering Statement at 2. From these coordinates, which are Station WAAF's current licensed facilities, Station WAAF would comply with Section 73.315 of the rules by providing line-of-sight coverage to Westborough, and the entire community of Westborough would be encompassed by Station WAAF's principal community (70 dBu) signal contour. Engineering Statement at 3.

Station WAAF is currently short-spaced to stations WMJX(FM) Channel 292B, WXKS-FM Channel 300B, WFCC-FM Channel 298A, WFHN(FM) Channel 296A and WZSH(FM) Channel 296A. Engineering Statement at 2. The short-spacing to WMJX and WXKS has been grandfathered. The short-spacing to WFCC appears to be a result of the conversion of spacing requirements from miles to kilometers. The short-spacing to WFHN and WZSH is due to increases in the allowable power limit of Class A stations. As a result, however, Channel 297B cannot be allotted to Westborough in conformity with all applicable minimum spacing requirements of Section 73.207(a) of the Commission's rules with respect to other stations and allotments. Engineering Statement at 1.

The Commission has an established policy, first articulated in *Newnan and Peachtree City, Georgia* 7 FCC Rcd 6307 (1992), of granting petitions for change of community of license proposed by grandfathered pre-1964 short-spaced stations where no available fully-spaced areas exist and where no new short-spacings would be created. In *Newnan*, and in cases that followed, the Commission reasoned that grandfathered stations in compliance with the Commission's Rules

when initially authorized should be afforded the same opportunity to change their community of license as other stations. *See Oceanside and Encinitas, California* 14 FCC Rcd 7472 (Allocations Branch, 1999); *Killeen and Cedar Park, Texas* 15 FCC Rcd 1945 (Allocations Branch, 2000); *Kankakee and Park Forest, Illinois*, MM Docket No. 99-330 (Allocations Branch, Released March 23, 2001). As indicated in the accompanying Engineering Statement, there is no longer any fully-spaced zone for operation of Channel 297B in this area, however the short-spacings are all grandfathered in that they predate the adoption of the spacing rules or arise as a result of subsequent conversion to kilometers or the increase in Class A maximum power limitations. Engineering Statement at 3-4. Thus, under the *Newnan* precedent, WAAF's petition for change of its community of license from Worcester to Westborough is consistent with the Commission's spacing considerations and should be granted.

#### **IV. The Proposed Change Would Result In a Preferential Arrangement of Allotments.**

Station WAAF would be Westborough's first local aural service. After the proposed reallocation of this channel, Worcester will continue to be served by five full-time FM and five full-time AM stations. Removing Channel 297B from Worcester and allotting it to Westborough therefore will result in a preferential arrangement of allotments.

The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. Equal weight is given to priorities (2) and (3). *FM Order*, 90 FCC 2d 88, 101 (1982). Retaining the Channel 297B allotment at Worcester would serve only priority (4), other public interest matters, while allotting Channel 297B to Westborough would serve priority (3) by providing first local transmission service to Westborough. Because no transmitter site change is proposed to accommodate the

change in community of license of Station WAAF, there will be no gain or loss areas associated with the proposed reallocation. Engineering Statement at 4.

The 70 dBu signal contour of Station WAAF currently encompasses more than 50 % of the Worcester, Massachusetts Urbanized Area and the Fitchburg-Leominster, Massachusetts Urbanized Area. Engineering Statement at 4. Because Station WAAF will continue to provide city grade service to more than 50 % of the Worcester, Massachusetts Urbanized Area and the Fitchburg-Leominster, Massachusetts Urbanized areas if the change in community of license is granted, EBL is not required to submit a *Tuck* analysis. See *Moncks Corner, Kiawah Island, and Sampit, South Carolina*, 15 FCC Rcd 8973, 8982 (Allocations Branch 2000); *East Los Angeles, Long Beach, and Frazier Park, California*, 10 FCC Rcd 2864, 2868 (Allocations Branch 1995) (no *Tuck* analysis required when moving from one community of license serving over 50 % of an Urbanized Area to a new community of license also serving over 50 % of an Urbanized Area).

The reallocation of Channel 297B from Worcester to Westborough, Massachusetts satisfies the Commission's change in community of license policies. Entercom accordingly requests that the Commission reallocate Channel 297B to Westborough instead of Worcester as set forth below:

Community	Channel Number	
	Present	Proposed
Worcester, Massachusetts	297B	-----
Westborough, Massachusetts	-----	297B



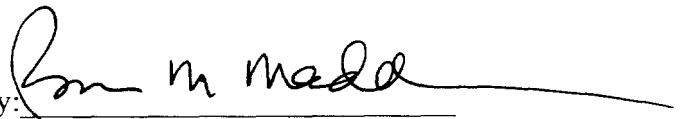
## CONCLUSION

Westborough, Massachusetts is an incorporated community of at least 17,000 residents and is deserving of a first aural service. If Station WAAF is reallocated to Westborough, there will be no gain or loss areas and Worcester will continue to be the community of license of 10 full-time radio stations. As a consequence, EBL's proposal results in a preferential arrangement of allotments.

In light of these facts, the Commission should issue a Notice of Proposed Rule Making proposing to reallocate Channel 297B from Worcester to Westborough.

Respectfully submitted,

**ENTERCOM BOSTON LICENSE, LLC**

By: 

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July 25, 2001

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## **ENGINEERING STATEMENT**

**PETITION FOR RULEMAKING TO  
AMEND SECTION 73.202 OF THE RULES  
AND REGULATIONS FOR THE FEDERAL  
COMMUNICATIONS COMMISSION**

**TO ASSIGN FM CHANNEL 297B  
FOR USE AT WESTBOROUGH, MA**

**ENTERCOM BOSTON LICENSE, LLC**

**7/2001**

## **Engineering Statement**

This Engineering Statement has been prepared on behalf of Entercom Boston License, LLC ("Entercom"), licensee of station WAAF 297B at Worcester, Massachusetts, in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to reallocate Channel 297B from Worcester to Westborough, Massachusetts, and modify the license of station WAAF to specify operation at Westborough.

The proposed reallocation would provide the community of Westborough (having a 2000 Census population of 3,983 persons) with its first local aural service.

### **Channel 297B at Westborough**

Entercom proposes to allocate Channel 297B to Westborough at the coordinates of the licensed WAAF facility (NL 42° 18' 11" x WL 71° 53' 52"). As shown in the attached spacing study, the licensed WAAF operation is short-spaced to stations WMJX 294B Boston, WXKS 300B Medford, WFCC 298B Chatham, WFHN 296A Fairhaven, and WZSH 296A Bellows Falls. WAAF operates as a grandfathered short-spaced station with respect to each of these stations.

**WMJX 294B Boston & WXKS 300B Medford:** WAAF is a pre-1964 grandfathered station with respect to WMJX and WXKS.

**WFCC 298B Chatham:** It appears that WAAF was fully-spaced to WFCC until the spacing requirements were converted from miles to kilometers. Actual spacing is

Hatfield & Dawson Consulting Engineers

168.43 km (104.7 miles). The old required spacing was 105 miles, while the new metric spacing is 169 kilometers.

**WFHN 296A Fairhaven & WZSH 296A Bellows Falls:** WAAF was fully-spaced to these Class A stations before the Class A power limit was increased to 6 kW. Both WFHN and WZSH now have authorizations in excess of 3 kW equivalence.

Despite these short-spacings, and despite the fact that there is no longer any fully-spaced area for operation of Channel 297B in this area, Channel 297B can be assigned for use at Westborough in accordance with recent Commission precedent permitting community of license changes by grandfathered short-spaced stations where no change in transmitter site is proposed, where there is no fully-spaced area available under the current spacing rules, and where no new short-spacings would be created.<sup>1</sup>

As is demonstrated in the attached map exhibit, the licensed WAAF facility provides 70 dBu service to 100% of the community of Westborough.<sup>2</sup>

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<sup>1</sup>See *Newnan and Peachtree City, Georgia*, 7 FCC Rcd 6307 (1992), *Oceanside and Encinitas, California*, 14 FCC Rcd 15302 (1999), *Fremont and Holton, Michigan*, 14 FCC Rcd 17108 (Allocations Br. 1999), and *Kankakee and Park Forest, Illinois*, Report and Order in MM Docket No. 99-330 released March 23, 2001.

<sup>2</sup>It should be noted that WAAF holds a construction permit (FCC File No. BPH-19990528II) for operation at the WUNI-TV transmitter site. The WAAF construction permit facility, as yet unbuilt, would provide 70 dBu service to 100% of the community of Westborough.

### **Worcester Will Retain Local Service**

The reallocation of Channel 297B to Westborough will not deprive Worcester of first local service. Worcester will continue to receive full-time aural service from stations WCHC 201A, WICN 213B1, WCUW 217A, WBPR 220A, WSRS 241B, WTAG 580 kHz, WCRN 830 kHz, WNEB 1230 kHz, WORC 1310 kHz, and WVEI 1440 kHz.

### **Gain and Loss Areas**

The reallocation of Channel 297B from Worcester to Westborough can be effected without any change in transmitter site. Therefore, there will be no gain or loss areas directly associated with the proposed reallocation.

### **No Tuck Analysis Required**

Westborough is located within the Worcester Urbanized Area. WAAF currently provides 70 dBu service to 100% of the Worcester Urbanized Area, 75% of the Fitchburg-Leominster Urbanized Area, and 1.8% of the Boston Urbanized Area.<sup>3</sup> Since no change in transmitter site is necessary to effect the proposed reallocation, no "Tuck" analysis is believed to be required in this instance.

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<sup>3</sup>The WAAF construction permit facility provides 70 dBu service to 95% of the Worcester UA, 91% of the Fitchburg-Leominster UA, and 5.3% of the Boston UA.

## SEARCH PARAMETERS

FM Database Date: 010625

Channel: 297B 107.3 MHz

Page 1

Latitude: 42 18 11

Longitude: 71 53 52

Safety Zone: 50 km

Job Title: WESTBOROUGH 297B

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
WMJXaux LIC	BOSTON MA	BMLH-981027KC	294B 96.9	1.900 351.0	42-18-27 071-13-27	89.3	55.55 0.00	0 AUX
WMJX LIC	BOSTON MA	BLH-911018KC	294B 106.7	21.500 235.0	42-20-50 071-04-59	85.5	67.34 -6.66	74 SHORT
WMJXaux LIC	BOSTON MA	BLH-920827KC	294B 106.7	1.000 221.0	42-20-50 071-04-59	85.5	67.34 0.00	0 AUX
WCCC-FM LIC	HARTFORD CT	BLH-901009KD	295B 106.9	23.000 221.0	41-47-48 072-47-50	233.1	93.32 19.32	74 CLEAR
WCCC-FM APP	HARTFORD CT	BPH-001024ABU	295B 106.9	23.000 221.0	41-47-48 072-47-52	233.2	93.36 19.36	74 CLEAR
W296AO LIC	NEW HAVEN CT	BLFT-860911TA	296D 107.1	0.000 DA 105.0	41-18-12 072-55-45	217.9	140.27 0.00	0 TRANS
WFHN LIC	FAIRHAVEN MA	BLH-890313KA	296A 107.1	2.400 106.0	41-38-26 070-55-03	131.9	109.62 -3.38	113 SHORT
WFHNaux LIC	FAIRHAVEN MA	BMLH-990513KF	296A 107.1	1.450 106.0	41-38-26 070-55-03	131.9	109.62 0.00	0 AUX
WFHN APP	FAIRHAVEN MA	BMPH-000821AAC	296A 107.1	5.300 106.0	41-38-25 070-55-03	132.0	109.64 -3.36	113 SHORT
WFHN CP	FAIRHAVEN MA	BPH-970721IA	296A 107.1	6.000 DA 99.0	41-37-43 071-00-24	135.2 SS	105.21 -7.79	113 SHORT
WERZaux LIC	EXETER NH	BLH-900104KC	296A 107.1	3.000 21.0	42-59-23 070-56-14	45.5	109.65 0.00	0 AUX

## SEARCH PARAMETERS

FM Database Date: 010625

Channel: 297B 107.3 MHz

Page 2

Latitude: 42 18 11

Longitude: 71 53 52

Safety Zone: 50 km

Job Title: WESTBOROUGH 297B

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
WERZ LIC	EXETER NH	BLH-000322AAF	296A 107.1	5.200 106.0	43-01-38 070-52-51	45.6 SS	115.86 2.86	113 CLOSE
WERZ LIC	EXETER NH	BMLH-900601KE	296A 107.1	5.200 107.0	43-01-38 070-52-51	45.6	115.86 2.86	113 CLOSE
WZSH LIC	BELLOWS FALLS VT	BMLH-920522KC	296A 107.1	1.150 162.0	43-12-33 072-19-58	340.7	106.77 -6.23	113 SHORT
WZSH CP	BELLOWS FALLS VT	BPH-000308ACO	296A 107.1	1.400 162.0	43-12-33 072-19-58	340.7 SS	106.77 -6.23	113 SHORT
WAAF LIC	WORCESTER MA	BLH-980416KB	297B 107.3	20.000 239.0	42-18-11 071-53-52	0.0	0.00 -241.00	241 SHORT
WAAF CP	WORCESTER MA	BPH-990528II	297B 107.3	9.600 335.0	42-20-09 071-42-57	76.2 SS	15.43 -225.57	241 SHORT
WRWD-FM LIC	HIGHLAND NY	BMLH-910208KB	297A 107.3	0.330 295.0	41-41-58 074-00-11	249.6	186.87 8.87	178 CLOSE
WRCK LIC	UTICA NY	BLH-801015AB	297B 107.3	50.000 152.0	43-08-40 075-10-32	290.4	284.28 43.28	241 CLEAR
WFCC-FM LIC	CHATHAM MA	BMLH-990910AAH	298B 107.5	50.000 104.0	41-44-14 070-00-40	111.4	168.43 -0.57	169 SHORT
WHTAux CP	LEWISTON ME	BPH-980415ID	298C1 107.5	64.000 180.0	43-57-07 070-17-46	34.8	224.82 0.00	0 AUX
WHT LIC	LEWISTON ME	BLH-960826KE	298C1 107.5	91.000 283.0	44-00-12 070-25-24	31.8 SS	223.75 28.75	195 CLEAR

## SEARCH PARAMETERS

FM Database Date: 010625

Channel: 297B 107.3 MHz

Page 3

Latitude: 42 18 11

Longitude: 71 53 52

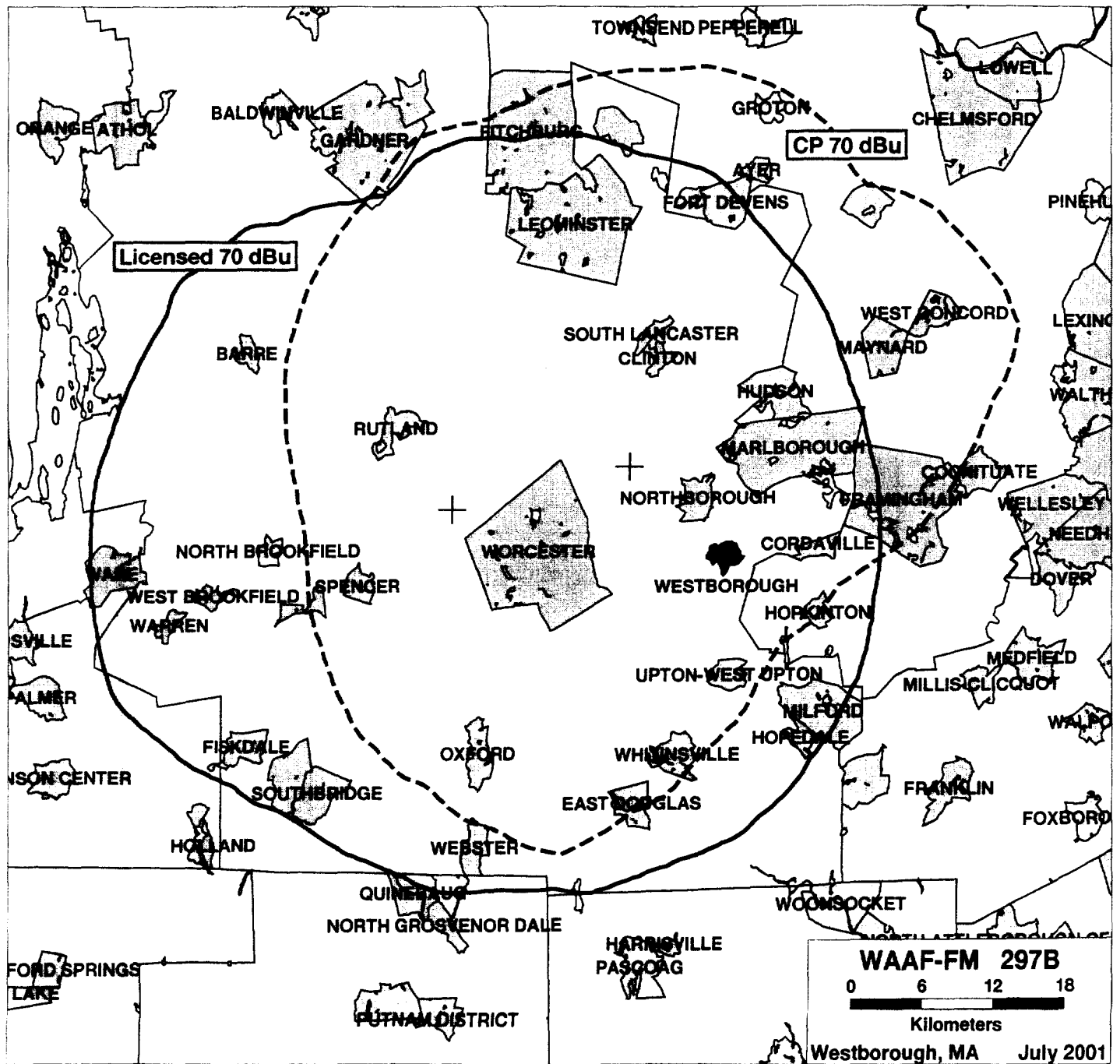
Safety Zone: 50 km

Job Title: WESTBOROUGH 297B

Call Status	City St FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
W298AH LIC	CLAREMONT NH BLFT-980911TC	298D 107.5	0.000 406.0	43-23-34 072-18-16	344.8	125.54 0.00	0 TRANS
DEL	WEST RUTLAND VT RM-9706	298C3 107.5	0.000 0.0	43-34-04 073-00-30	327.6	167.21 22.21	145 CLEAR
DWRUT VACANT	WEST RUTLAND VT -	298C3 107.5	0.000 0.0	43-39-40 072-53-25	332.2	171.22 26.22	145 CLEAR
WFCS LIC	NEW BRITAIN CT BMLED-980202KC	299D 107.7	0.040 33.0	41-41-36 072-45-49	226.8	98.66 0.00	0 CLS=D
WKCD LIC	PAWCATUCK CT BLH-000920ABJ	299A 107.7	1.850 122.0	41-27-35 071-55-40	181.5	93.70 24.70	69 CLEAR
NEW-T APP	TORRINGTON CT BPFT-970919TC	299D 107.7	0.200 37.0	41-48-00 073-07-31	241.5	115.97 0.00	0 TRANS
WKXL-FM LIC	HILLSBORO NH BLH-950410KC	299A 107.7	0.580 225.0	43-09-00 071-47-56	4.9	94.43 25.43	69 CLEAR
WXKS-FM LIC	MEDFORD MA BLH-911018KE	300B 107.9	20.500 235.0	42-20-50 071-04-59	85.5	67.34 -6.66	74 SHORT
WXKSaux LIC	MEDFORD MA BLH-920827KE	300B 107.9	1.000 218.0	42-20-50 071-04-59	85.5	67.34 0.00	0 AUX

===== END OF FM SPACING STUDY FOR CHANNEL 297 =====

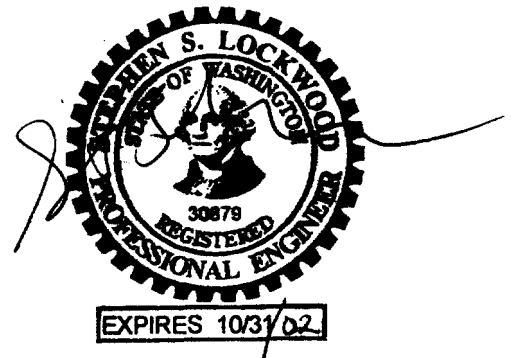




### **Statement of Engineer**

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Westborough and Worcester, Massachusetts, has been prepared on behalf of Entercom Boston License, LLC. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and Alaska.

Signed this 24<sup>th</sup> day of July, 2001.



Stephen S. Lockwood, P.E.

Hatfield & Dawson Consulting Engineers